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Attorneys for Sonos, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA,
SAN FRANCISCO DIVISION

SONOS, INC.,
Plaintiff and Counter-defendant,
v.
GOOGLE LLC,
Defendant and Counter-claimant.

Case No. 3:20-cv-06754-WHA
Related to Case No. 3:21-cv-07559-WHA

**DECLARATION OF CLEMENT
ROBERTS IN SUPPORT OF SONOS,
INC.'S ADMINISTRATIVE MOTION
TO FILE UNDER SEAL RE NOTICE
OF LODGING PRESENTATION
SLIDES RE THE MARCH 30, 2023
HEARING**

1 I, Clement Roberts, declare as follows and would so testify under oath if called upon to do
2 so:

3 1. I am an attorney with the law firm of Orrick, Herrington & Sutcliffe LLP, counsel
4 of record to Sonos, Inc. (“Sonos”) in the above-captioned matter. I am a member in good
5 standing of the Bar of the State of California. I make this declaration based on my personal
6 knowledge, unless otherwise noted. If called, I can and will testify competently to the matters set
7 forth herein.

8 2. I make this declaration in support of Sonos’s Administrative Motion to File Under
9 Seal in connection with Sonos’s Notice of Lodging Presentation Slides Re the March 30, 2023
10 Hearing (“Sonos’s Notice of Lodging”).

11 3. Sonos seeks an order sealing the materials as listed below:

DOCUMENT	PORTIONS TO BE SEALED	DESIGNATING PARTY
Attachment A to Sonos’s Notice of Lodging	Portions outlined in red boxes on pages 2-10	Sonos and Google
Attachment E to Sonos’s Notice of Lodging	Portions outlined in red boxes on pages 29, 30-32	Sonos

17 4. The portions of Attachment E outlined in red boxes contain references to Sonos’s
18 confidential business information and trade secrets, including confidential technical details
19 regarding the operation of Sonos products. Thus, public disclosure of such information may lead
20 to competitive harm as Sonos’s competitors could use these details regarding the operation and
21 functionality of these products to gain a competitive advantage in the marketplace with respect to
22 their competing products. Additionally, the portions of Attachment A outlined in red boxes
23 include terms to confidential agreements that are not public. Specifically, that Attachment shows
24 the terms on which Sonos works with content service providers to integrate their content into
25 Sonos’s system, a regular part of Sonos’s commercial work. Disclosure of this information
26 would harm Sonos’s competitive standing by giving Sonos’s competitors highly sensitive
27 information about Sonos’s business dealings with other entities. *See, e.g.*, Dkt. 518 at 15
28 (granting Google’s request to “seal information related to third-party license agreements, public

1 disclosure of which may cause Google harm”); Case No. 3:21-cv-7559-WHA, Dkt. 228 at 3-4
2 (granting motions “to seal references to confidential business negotiations and agreements, public
3 disclosure of which may cause both parties harm”). Sealing this information would thus “prevent
4 competitors from gaining insight into [Sonos’s] business model and strategy.” *In re Qualcomm*
5 *Litig.*, No. 3:17-cv-0108-GPC-MDD, at *4 (S.D. Cal. Nov. 8, 2017). A less restrictive alternative
6 than sealing the portions of Sonos’s Motion and the exhibits indicated in the table above, would
7 not be sufficient because the information sought to be sealed is Sonos’s confidential business
8 information and trade secrets and is integral to Sonos’s legal arguments. *See* Declaration of Clem
9 Roberts in Support of Administrative Motion filed concurrently herewith, ¶ 4.

10 I declare under penalty of perjury that the foregoing is true and correct to the best of my
11 knowledge. Executed this 21st day of April, 2023 in Belevedere, California.

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13 /s/ Clement S. Roberts
14 Clement Seth Roberts
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